

REMARKS

The present communication is responsive to the Official Action mailed February 10, 2006.

Claim 1 has been amended to now recite "a processor operable to process at least a portion of the prior contents recorded on the recording medium in accordance with said instruction." Support for the amendment to claim 1 may be found by reference to, for example, paragraph [0137] of the written description.

Claim 4 has been amended to improve its form.

Claims 5 and 6 have been amended to now recite "receiving an instruction transmitted from said information processing terminal relating to the recording capacity of the recording medium in response to said notification." Support for the amendments to claims 5 and 6 may be found by reference to, for example, paragraph [0137] of the written description.

Claims 7 has been amended to improve its form.

Claim 12 has been amended to now recite a "wireless network" in the preamble and transmitter limitation. Support for the foregoing amendment to claim 12 may be found by reference to, for example, paragraph [0060] of the written description.

Claim 15 has been amended to recite "transmitting to the information recording apparatus a signal for controlling recording of the new contents onto the recording medium over the network based on the instruction." As the term "the network" has antecedent support in the preamble of claim 15, applicants respectfully submit that this amendment is supported by claim 15, as originally filed.

Claims 16 through 20 are being presented for the first time. Support for these claims may be found by reference to, for example, FIGS. 2, 6 and 7 and the descriptions thereof.

Applicants respectfully submit that no new matter is added to the application as a result of the foregoing amendments to the claims and the claims that have been added.

The Examiner rejected claims 1-3 and 7-10 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,577,806 to Hirota ("*Hirota*"). (Official Action 2-5.) Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Hirota* in view of U.S. Patent 6,920,641 to Hanai et al. ("*Hanai*"). (*Id.*, 5-6.) Claims 6 and 11 were also rejected under 35 U.S.C. §103(a) as being unpatentable over *Hirota* in view of U.S. Patent 5,164,839 to Lang ("*Lang*"). (*Id.*, 6.) Lastly, claims 12-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Hirota* in view of U.S. Patent 6,637,027 to Breslauer et al. ("*Breslauer*"). (*Id.*, 6-8.)

Applicants respectfully submit that *Hirota* does not anticipate claim 1. In particular, *Hirota* does not disclose an information recording apparatus that includes "a notification unit operable to send a notification to an information processing terminal regarding a recording capacity of the recording medium" and "a receiver operable to receive an instruction transmitted from said information processing terminal in response to said notification." For example, *Hirota's* remote controller is not disclosed as being capable of receiving a notification "regarding a recording capacity of the recording medium" of the claimed information recording apparatus. As such, *Hirota's* remote controller cannot transmit an "instruction in response to said notification" to the claimed information recording apparatus.

Hirota discloses an information receiver decoder (IRD) that receives broadcast signals and can record them on a hard disc drive 119. (*Hirota*, col. 4, 11.19-21.) *Hirota* discloses a host processor 114 as a component in the IRD. The host processor 114 notifies a user of the recording capacity of the

hard disk unit (HDD) 119 via OSD processor 110 and a TV receiver. (*Id.*, col. 5, 11.1-6 and 14-18.) The user may then use a remote controller to respond to the information or requests shown on the TV receiver by issuing instructions to the IRD. (*Id.*, col. 5, 11.1-6.) Note, however, that the remote controller is not notified of the recording capacity of the recording medium. Instead that information is shown on the TV receiver. In fact, the remote controller is not described as being capable of receiving information at all. Note also that *Hirota's* TV receiver is not disclosed as being capable of issuing instructions to the IRD. Thus, *Hirota* does not disclose a device that is identical to the "information processing terminal" of claim 1 since neither the TV receiver nor the remote controller is individually capable of (1) being notified of the recording capacity of the recording medium and (2) sending instructions to the IRD. Neither is this combination suggested by *Hirota*.

Further in that regard, in rejecting claim 1, the Examiner asserts that *Hirota* teaches "a notification unit operable to send a notification to an information processing terminal regarding a recording capacity of the recording medium (In col. 5, lines 14-18, *Hirota* teaches a processor 114 that displays a notification to the user.)" (Official Action 2.) Thus, the Examiner equates *Hirota's* processor 114 to the claimed notification means, but does not expressly indicate what is considered to be the image processing terminal at this portion of the rejection. As best understood, in rejecting the notification unit limitation, the Examiner appears to be asserting the user display or TV receiver of *Hirota* as the information processing terminal. But, as is explained in detail above, *Hirota's* display or TV receiver cannot be the information processing terminal as *Hirota* does not teach that the display

transmits instructions as is recited in the reception means limitation of claim 1.

On the other hand, the Examiner asserts that *Hirota* teaches "a receiver operable to receive an instruction transmitted from said information processing terminal in response to said notification (*Hirota* teaches in col. 5, lines 1-6 of an ability of the user to input a command by way of a remote controller. A receiver to receive the output from the remote controller is inherent.)" (Id., 2-3.) In this portion of the rejection, the Examiner equates the information processing terminal of claim 1 to *Hirota's* remote controller. But *Hirota's* remote controller is not disclosed as having the capability to be notified "regarding a recording capacity of the recording medium," as is recited in claim 1.

In particular, *Hirota* does not teach or suggest "a notification unit operable to send a notification to an information processing terminal regarding a recording capacity of the recording medium " and "a receiver operable to receive an instruction transmitted from said information processing terminal in response to said notification " In addition, none of the other references relied on by the Examiner do not make up for this deficiency in *Hirota*.

As claims 2 and 3 depend from claim 1, these claims are also not anticipated by *Hirota* for at least the foregoing reasons.

Claim 5 is also not anticipated by *Hirota* as it recites "sending a notification to an information processing terminal regarding a recording capacity of the recording medium [and] receiving an instruction transmitted from said information processing terminal relating to the recording capacity of the recording medium in response to said notification."

In rejecting claim 7, the Examiner asserts that "*Hirota* teaches of an OSD processor 110 that receives the

notification of insufficient free space. The OSD processor 110 then generates a visual display on the display unit, so that the user can acknowledge the notification (col. 5, lines 14-17). The user is able to give an instruction in reference to the notification of insufficient free space (col. 5, lines 26-29) by way of a remote controller (col. 5, lines 1-6). The remote controller is the equivalent to a transmitter that transmits the instruction. The instruction is implemented by the processor to free up space on the HDD to allow for new recordings to take place (col. 5, lines 34-58)." (Official Action 4.)

Applicants respectfully traverse the Examiner's rejection of claim 7 as follows. As noted above, *Hirota* discloses an IRD. FIG. 1 of *Hirota* shows all the elements that comprise the IRD. (*Hirota*, col. 2, 11.51-52, col. 3, 1.11 - col. 4, 1.56.) These elements, including OSD processor 110, are disclosed as being part of the structure of the IRD. (*Id.*, col. 3, 13-16.) On the other hand, as one would expect, the remote controller and TV receiver are not disclosed as forming part of the IRD's structure. However, the Examiner uses the functions disclosed for these three separate apparatus (i.e., the IRD, TV receiver and remote controller) in rejecting claim 7, which is directed to "An information processing terminal." Simply put, *Hirota* does not disclose the limitations of claim 7 in an information processing terminal (which the Examiner asserted as the remote controller in rejecting claim 1).

In particular, although the OSD processor may generate a visual display on the display unit, it is not equivalent to the claimed "a display unit operable to display said notification," as is recited in claim 7. In that regard, *Hirota* is clear in stating that the television receiver displays information to the user. But the television receiver is disclosed as an entirely separate unit. In fact, the TV receiver is not even shown in *Hirota*. Thus, the OSD processor

110 is not disclosed as being capable of "displaying the notification received by the reception means." It simply generates a signal for display. Hirota teaches that the TV receiver functions as the display.

Further, the Examiner asserts that *Hirota's* remote controller functions as the instruction means and transmission means in claim 7. Thus, in rejecting claim 7, the Examiner asserts that the claimed reception and display means are anticipated by the OSD processor 110. On the other hand, the Examiner asserts that the claimed instruction means and transmission means are anticipated by the remote controller. But the remote controller and OSD processor 110 form two separate units. There is no suggestion in *Hirota* that these two units can be combined into a single "image processing terminal" per claim 7. Thus, the combination of claim 7 is not only not anticipated by *Hirota*, but it is also not suggested by *Hirota*.

As claims 8 and 9 depend from claim 7, these claims are also not anticipated or rendered obvious by *Hirota* for at the least the foregoing reasons.

As claim 10 was rejected on the same basis as claim 7, it is also not anticipated or rendered obvious by *Hirota* for at least the foregoing reasons.

In rejecting claim 4, the Examiner asserts that *Hanai* makes up for the deficiency in *Hirota* of not "expressly" disclosing "the ability for a presetting unit to generate broadcast contents that belong to a genre and further have the ability to preset the broadcast contents to be recorded." Applicants respectfully submit that although *Hanai* discloses use of an electronic program guide (EPG), *Hanai* does not disclose that the "presetting means searches for those of contents to be broadcast which all belong to a designated genre." Searching program contents according to a particular genre is not disclosed at all by the either *Hirota*, *Hanai*, *Lang* or *Breslauer*.

As such, applicants respectfully submit that this rejection is not at all supported by the references relied on by the Examiner.

Applicants respectfully submit that the Examiner's rejections of claims 6 and 11 are deficient for at least the reasons given above with respect the rejections that rely on *Hirota*. In addition, applicants respectfully submit that *Lang* does not make up for these deficiencies in *Hirota*.

With regard to claims 12 and 15, applicants respectfully traverse the Examiner's rejection of obviousness based on the combination of *Hirota* and *Breslauer*. In particular, the Examiner asserts that *Breslauer's* "conditional access providers 316 then makes a decision based on the notification from the multimedia manager 306 and sends the decision (instruction) back to the conditional access manager 314; this would suggest that there is a second receiver in the conditional access manager 314." (Official Action 7.) Applicants most respectfully disagree with the Examiner.

Breslauer states that "FIG. 3 illustrates at least some components of a system 300 which may reside in and/or be implemented by the IRD 110." (*Breslauer*, col. 7, 11.22-26, col. 3, 11.50-52.) This portion and the remainder of *Breslauer* make it clear that conditional access manager 314 and access providers 316 are software or hardware modules in the IRD 110. Thus, signals generated by these modules are not transmitted over a network.

Furthermore, *Breslauer* does not teach or suggest "a transmitter operable to transmit over the wireless network to the information recording apparatus a signal for controlling recording of said new contents onto the recording medium based on said instruction," as is recited in claim 12.

In addition, *Breslauer* does not recite "transmitting to the information recording apparatus a signal for controlling

recording of the new contents onto the recording medium over the network based on the instruction," as is recited in claims 14 and 15.

With regard to claim 16, the references, neither individually or in combination, teach or suggest "wherein the information processing terminal comprises a cellular telephone that communicates with the information recording apparatus over a wireless network" for at least the reason set forth above.

In addition, the combination of claim 17 is neither anticipated nor rendered obvious by the references, individually or in combination, for at least the reasons already given above. Claims 18 and 20 are also not anticipated or rendered obvious for at least the same reasons discussed above as they depend from claim 17.

In view of the foregoing remarks, applicants respectfully submit that *Hirota* is deficient as discussed above in relation to claims 1, 5, and 7. Applicants further respectfully submit that the other references of record in the application do not make up for the deficiencies in *Hirota*. In addition, the references are also deficient with respect to the discussions above concerning claims 4, 6, 11, 12 and 15. Thus, applicants respectfully submit that as all the claims depend from one of the independent claims discussed above, all the claims are distinguished over the art of record as discussed above.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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